STATEMENT OF BASIS (AI No. 152239)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123935 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Ocean Select Seafood, LLC
P.O. Box 368
Delcambre, LA 70528

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: May 12, 2008

1. PERMIT STATUS

A. Reason For Permit Action:

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: N/A
LPDES permit expiration date: N/A

C. Date Application Received: April 3, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - seafood processing facility

The facility is a shrimp processing facility which thaws, hand peels, and de-veins and/or individually quick freezes (IQF) shrimp.

B. FEE RATE
1. Fee Rating Facility Type: minor
2. Complexity Type: II (BPJ points to 0 as per administrative decision)
3. Wastewater Type: II
4. SIC code: 2092

C. LOCATION - 10714 Hwy. 14 in Delcambre, Iberia Parish Latitude 29°57'02", Longitude 91°58'54"

3. OUTFALL INFORMATION

Outfall 001
Discharge Type: seafood process wastewater, and treated sanitary wastewater
Treatment: packaged treatment unit
Location: at the point of discharge from the sanitary treatment system (Latitude 29°57'02", Longitude 91°58'54")
Flow: 375 gpd
Discharge Route: unnamed ditch, thence into Delcambre Canal

4. RECEIVING WATERS

STREAM - unnamed ditch, thence into Delcambre Canal

BASIN AND SEGMENT - Vermilion-Teche River Basin, Segment 060901

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife

5. TMDL Waterbodies

Subsegment 060901, Bayou Petite Anse - From headwaters to Bayou Carlin (Estuarine), is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 060901 was previously listed as impaired for suspended solids/ turbidity/ siltation, nutrients, organic enrichment/low DO, pathogen indicators, carbofuran, and phosphorus, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 060901:

The Bayou Petite Anse TMDL's for Dissolved Oxygen and Nutrients was completed April 2002. According to this TMDL, all facilities with oxygen demanding parameters in their permit were included in the TMDL calculations, but none of them were considered large enough to be modeled explicitly. This facility is not expected to discharge pollutants at a level which would cause or have the reasonable potential to cause or contribute to an excursion above any present state water quality standard for the nutrients or phosphorus impairment causes. LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (Sierra Club v. Givens, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a BOD5 limitation. Compliance with the BOD5 limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the

indicator parameter as conducted by the permittee in accordance with the effluent limitations of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards. Dissolved oxygen will be controlled by the BOD5 limit.

The Bayou Petite Anse TMDL for Fecal Coliform was completed April 2003. This facility's discharges were not addressed in this TMDL. This facility is not expected to discharge pollutants at a level which would cause or have the reasonable potential to cause or contribute to an excursion above any present state water quality standard for fecal coliform. However, to protect against the potential discharge of pollutants which may contribute to further fecal coliform impairment, a fecal coliform limit has been established for Outfall 001.

The TMDL for TSS, Turbidity, and Siltation was completed May 2001. Point sources do not represent a significant source of TSS as defined in this TMDL and are already addressed by LDEQ through permitting of point sources. To protect against the further impairment of the suspended solids/turbidity/siltation cause a TSS limit has been established for Outfall 001.

The TMDL for Carbofuran was completed March 2002. At the time the TMDL was completed, there was only one point source discharger discharging carbofuran in this subsegment. Carbofuran is not expected to be discharged from this facility.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

No records of compliance actions were found.

B. DMR Review/Excursions

No DMR data were available for review since this is a first time issuance.

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 060901 of the Vermilion-Teche River Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

12. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).

Rationale for Ocean Select Seafood, LLC

1. **Outfall 001** seafood process wastewater, and treated sanitary wastewater(estimated flow is 375 gpd)

Pollutant	Limitation Mo. Avg:Daily Max (lb/day)	Reference
Flow	Report:Report	LAC 33:IX.2707.I.1.B
BOD_5	50:126	40 CFR 408.125
TSS	20:50	40 CFR 408.125
Oil&Grease	3.2:8	40 CFR 408.125
Fecal Coliform	---:400	LAC 33:IX.1113.C.5.a.
pH (s.u.)	6.0: 9.0 (min:max)	40 CFR 408.125

Treatment: packaged treatment unit

Monitoring Frequency: 1/month for all parameters

Limits Justification: 40 CFR 408.125 for BOD, TSS, Oil & Grease, and pH. LAC 33:IX.1113.C.5.a. for fecal coliform.

Calculations:
BOD 25/63 lb/1000 lb
TSS 10/25 lb/1000 lb
Oil and Grease 1.6/4 lb/1000 lb
per application: 2,000 lbs/day
BOD 2 x 25/63 = 50/126 lbs/day
TSS 2 x 10/25 = 20/50 lbs/day
Oil and Grease 2 x 1.6/4 = 3.2/8 lbs/day

su Standard Units